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MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING: 19 NOVEMBER 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmember Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were Mitchell Johnson, Assistant City Manager, Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk; Ed Kitchen, City Manager arrived later in the meeting.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

The Assistant City Manager recognized Ruth Bowden, employee in the Executive Department, who served as courier for the meeting.

The Mayor outlined the procedure for conduct of the meeting.

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The Mayor and Councilmember Jessup recognized Hal Sieber, Editor of the Carolina Peacemaker, for his recent receipt of the Peace Prize of St. Francis Award. Presenting him with a Mayor's certificate of commendation, they spoke to his outstanding knowledge of history, numerous civic accomplishments, famous past recipients of this award and the current trend of this award to recognize community heroes. After Mr. Sieber spoke to his actions being motivated by lifetime goals of justice and peace, he expressed thanks to the Council for their recognition.

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Assistant City Manager Johnson recognized Daryl Jones, Information Management Systems Director, for his recent outstanding assistance to citizens involved in a traffic accident. He provided details of the accident and the spoke to the assistance Mr. Jones had provided.

Councilmember Carmany recognized Vadim Ciabanu, a visitor from Moldova, who was in attendance at the meeting.

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Mayor Holliday stated this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development with regard to Street Connectivity.

Jim Westmoreland, Director of the Greensboro Department of Transportation, spoke to the various issues of street connectivity with which Council had expressed concern in recent months. He outlined the development process of this proposal.

Adam Fischer, Engineering Manager in the Transportation Department, presented a power point presentation and outlined the current recommendations which were to amend the ordinance, adopt a street connection policy, and require developers to identify development plans and streets to indicate future street connections. Mr. Fischer specified provisions of the ordinance in which changes were recommended and explained criteria for considering street connections.

Following brief discussion, the Mayor asked if anyone wished to speak to this matter. There being no one present wishing to be heard, Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan.

02-223 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

- Section 1. That Section 30-6-7.5 (A) Action by Technical Review Committee, Timing, is hereby amended by deleting the period at the end of the subsection and adding the following at the end of the sentence:
 - (A) , except in those instances where street connections are involved and public input is sought pursuant to the provisions of Section 30-6-13.3 (C).
- Section 2. That Section 30-6-13.3 Streets. Subsection (C) Conformance With Adjoining Street Systems is hereby amended by adding at the end thereof the following sentence:
 - (C) , Street connections shall be made pursuant to criteria adopted by the City Council.
- Section 3. That Section 30-6-13.4 Block length. is hereby amended by adding the following sentence at the and thereof:

30-6-13.4

- In the event of a conflict between this Section and the provisions of the street connections policy adopted pursuant to Section 30-6-13.3 (C), the provisions of Section 30-6-13.3 (C) shall prevail.
- Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Florence F. Gatten

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Mayor Holliday introduced a resolution establishing policy for street connections from new development sites in, to or through existing neighborhoods.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holiday, Jessup, Johnson, Perkins, Phillips and Vaughan.

195-02 RESOLUTION ESTABLISHING POLICY FOR STREET CONNECTIONS FROM NEW DEVELOPMENT SITES IN, TO, OR THROUGH EXISTING NEIGHBORHOODS.

WHEREAS, City Council has directed staff to develop a "Street Connection Policy" for a more thorough review of street connections from new development sites in, to, or through existing neighborhoods;

WHEREAS, the policy has been developed by staff and is presented herewith this day;

WHEREAS, the Policy requires evaluation of nine (9) key criteria and requires additional public information if a street connection is recommended;

WHEREAS, it is in the best interest of the City of Greensboro that the Policy be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GREENSBORO:

That the Street Connection Policy for street connections from new development sites in, to or through existing neighborhoods is hereby approved.

(Signed) Sandy Carmany

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to establish new requirements for the construction of sidewalks along public and private streets in conjunction with subdivision and site plan development.

Mr. Westmoreland reviewed Council's past adoption of a Walkability Policy, Transportation staffs' subsequent work on preparing a master sidewalk plan and development of the proposed ordinance to facilitate more walkable communities in Greensboro. He outlined the actions staff had taken and expressed appreciation to the Triad Real Estate Building Industry Coalition (TREBIC) for their participation in the process.

Tyler Meyer, Transportation Planning Manager, presented a power point presentation and provided an overview of the objectives of the Walkability Policy in terms of ongoing sidewalk construction, pedestrian safety measures and sidewalk ordinance improvements. Mr. Meyer shared information with respect to sidewalk prioritization, future investments, aspects of the processes used to develop the proposed sidewalk ordinance amendments and the way the proposed ordinance would impact Greensboro's walkability ranking among similar sized cities across the state. He explained key changes made to the proposed ordinance, the criteria used to classify streets in terms of local, sub-collector and collector streets and advised of the potential beneficial effects of the ordinance.

City Manager Kitchen entered the Chamber at 6:49 p.m. during the above presentation.

Council discussed various aspects of Walkability and the proposed ordinance including safety, long blocks, sight plans, "in lieu of fees", impervious surfaces with respect to development requirements, and potential landscaping requirements to include trees and green strips. Councilmember Perkins provided suggestions with respect to landscaping standards along major arterials, particularly in areas entering the downtown area.

Alec MacIntosh, Planning Department Planning Services Coordinator, explained the differences for impervious surface requirements under varying circumstances. Council member Perkins expressed concern that developers could be penalized for giving up a right of way for a public amenity, and noted this would be critical in a watershed Tier 3 zone. He requested a review of possible revision of guidelines for water protection. The City Attorney advised that in her opinion, the City should pursue this with the State of North Carolina to see if they would interpret the boundary of property from row to row. Councilmember Perkins requested that the City Attorney request flexibility when making this request to the North Carolina State Department of Environment and Natural Resources. He suggested allowing substitute paving materials in parking areas that included concrete blocks with grass in them, to allow water penetration.

Taking the prerogative of the Chair, the Mayor asked Councilmember Vaughan to recognize Boy Scouts from Troop 160 who were present in the Chamber. Councilmember Vaughan stated he had become an Eagle Scout in the same troop; he briefly explained the goals of the sidewalk ordinance and how that related to the Scout's ability to walk to scout meetings, shopping, church, etc.

The following speakers spoke in favor of the proposed sidewalk ordinance:

Felicia Reid, residing at 20 Windale Court, expressed her views with regard to the public health benefits of walking and the potential reduction of automobile use if more sidewalks were available; she cited studies of the American Medical Association with respect to obesity and suggested that an environment that would encourage people to walk would improve public health.

Anita Ramachandran, residing at 3702 Whitney Court, spoke to the benefits of walkability on air quality due to reduced carbon dioxide emissions. She noted that sidewalks provided access to schools, stores, etc.

Janet Mayer, residing at 1705 Ambleside Court, spoke to epidemic levels of obesity in the country and Guilford County, the significance of physical activity in maintenance of fitness and a healthy weight, the national cost of obesity and the value of sidewalks.

Wanda Martin, residing at 4809 Olde Forest Drive, stated she represented the Guilford County Health Department. She shared her opinion that providing sidewalks had excellent health benefits to the community. She spoke to the need to increase walking for various health benefits.

Cindy Ramsey, residing at 810 Rankin Place, cited information from the Robert Wood Johnson Foundation with respect to people walking more in neighborhoods with square blocks. She advised that more sidewalks would increase physical activity of citizens.

Steve Showfety stated he was associated with the organization, TREBIC. Mr. Showfety advised that TREBIC agreed with much of the draft proposal but favored some minor revisions. He requested that Council postpone consideration of the ordinance to the next meeting, pending City staff's review of the modifications TREBIC wished to recommend.

Robert Newton, residing at 1 Gwyn Lane, stated that his work involved access to health care services, wellness, health promotion and injury prevention; spoke to research that supported health benefits of excercise and noted that public policy trends included enhancement of access to places such as sidewalks, trails, greenways and bike places for physical activity. He advised of his findings that environment was the most widely recognized indicator of willingness to change physical activity.

Carolyn Allen, residing at 2611 David Caldwell Drive, spoke on behalf of the League of Women Voters and voiced the organization's support for transportation alternatives. She spoke to her participation in City planning and spoke to elements of the Draft Comprehensive Plans inclusion of recommendations for walkways with various features. She asked Council to support measures to enhance walkability.

Michael King, residing at 7522 Oak Valley Lane, spoke to his concern that sidewalk requirements could negatively impact affordable housing by creating additional expenses. He shared his opinion that sidewalk maintenance in winter weather conditions would be a safety issue and that walking trails would be a better exercise alternative.

John Bursani, residing at 11 Teal Court, stated he represented Triad Realtors. He spoke in favor of increasing sidewalks and shared his opinions with respect to the average cost of sidewalks per home, the cost of annual automobile operation, the ability to reduce impervious surfaces with parking decks as a substitution for parking lots, the desirability of green buffers, and the value of landscaping with trees and sidewalks.

Betty Smith, residing at 28 Dutchmans Cove, stated she was president of the Greensboro Builders Association and that additional members were present who wished to discuss technical issues pertaining to the ordinance.

Mayor Holliday declared a recess at 7:59 p.m..

The meeting reconvened at 8:15 p.m. with all members of Council present.

After Councilmember Phillips requested Mr. Showfety to explain what technicalities were in question, Mr. Showfety suggested the following items receive additional technical consideration: requirements for sidewalks on both sides of collectors, sub collectors and local streets; cul-de-sac exclusion for streets less than 800 feet, requirements for private streets; requirements for mid block shortcuts; requirements for areas not in connectivity plan; and regulating infill site abatement.

Mr. Showfety advised that in his opinion, a number of items in the ordinance would benefit from further description. He requested an opportunity to work with GDOT staff to try to develop a final recommendation that would address these technical issues.

Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Council discussed various concerns raised about the proposed ordinance including public safety, affordability, impervious surface regulations and sidewalk funding sources. Councilmember Phillips noted that the issue of affordability could be addressed independently of the ordinance.

Councilmember Burroughs-White moved to continue the ordinance to the 3 December 2002 meeting to allow staff and TREBIC representatives to meet and make final recommendations for the list of provisions in the ordinance raised earlier in the meeting. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

The City Manager advised that staff would provide a progress report on this matter at the November 26 Council briefing.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development concerning Recreational Vehicles in Flood Hazard Areas.

Alec MacIntosh, Planning Services Coordinator, stated this ordinance would bring the City ordinance into compliance with Federal Emergency Management Agency requirements. He explained that this would require the same standards as for manufactured home parks; ensure Greensboro's eligibility for flood insurance; assist the City Storm Water Services division to be eligible for the FEMA flood insurance rating system, and provide eligibility for reduced flood insurance premiums.

Mayor Holliday asked if anyone present wished to be heard. There being no one present wishing to speak, Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan Noes: None.

02-224 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

- Section 1. That Section 30-7-5.6 (B), Specific Standards, in the Provisions for Flood Hazard Reduction is hereby amended by renumbering the present Subsection (4) to read as follows:
- "(4) Recreational Vehicles: A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites shall either:
 - (a) Be in the recreational vehicle park for fewer that 180 consecutive days and be fully licensed and ready for highway use; or

- (b) Meet the requirements of Sections 30-7-5.3, Floodplain Development Application, Permit and Certification requirements;
- Section 2. That Section 30-6-13-3, Minimum Private Street Design Standards for Manufactured Dwelling and Recreational Vehicle Parks, is hereby amended by deleting the work "PAVEMENT" from the left column heading, so that is will now read "ROW WIDTH (ft.)"
- Section 3. All ordinances in conflict with the provisions of this are repealed to the extent of such conflict.

(Signed) Donald R. Vaughan

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Niagra Street from 25 feet east of the centerline of McPherson Street eastward to 25 feet west of the centerline of Woodmere Drive.

The Mayor asked if anyone wished to be heard. There being no one present wishing to speak, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote. Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

196-02 RESOLUTION CLOSING NIAGRA STREET FROM 25 FEET EAST OF THE CENTERLINE OF MCPHERSON STREET EASTWARD TO 25 FEET WEST OF THE CENTERLINE OF WOODMERE DRIVE

WHEREAS, the owners of all of the property abutting both sides of Niagra Drive from 25 feet east of the centerline of McPherson Street eastward to 25 feet west of the centerline of Woodmere Drive have requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, November 19, 2002 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
- 2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
- 3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

NIAGRA STREET FROM 25 FEET EAST OF THE CENTERLINE OF McPHERSON STREET EASTWARD TO 25 FEET WEST OF THE CENTERLINE OF WOODMERE DRIVE

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution approving the Emergency Repair Program guidelines and funding in conjunction with the Lead Safe Housing Program.

The Mayor asked if anyone wished to be heard. There being no one wishing to speak to this matter, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

197-02 RESOLUTION APPROVING THE EMERGENCY REPAIR PROGRAM GUIDELINES AND FUNDING IN CONJUNCTION WITH THE LEAD SAFE HOUSING PROGRAM

WHEREAS, the new Greensboro Lead Safe Housing Program, has added a higher level of urgency to institute an emergency repair program for low-income homeowners throughout the City;

WHEREAS, currently there are no programs available which can address the threats to health and safety in homeowner housing;

WHEREAS, Housing and Community Development has developed an Emergency Repair Program in conjunction with the Lead Safe Housing Program, which will target structural and health safety issues in conjunction with the upfront lead hazard remediation work and a copy is presented herewith this day;

WHEREAS, this program will enable the department flexibility to fix safety hazards in an expedient manner and reach as many houses with lead paint hazards as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Emergency Repair Program guidelines and funding developed by Housing and Community Development presented this day is hereby approved.

(Signed) Yvonne J. Johnson

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Moving to the consent agenda, Councilmember Johnson moved adoption of the ordinances, resolutions and motions on the Consent Agenda. The motion was seconded by Councilmember Vaughan, the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-226 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS PROJECT FUND BUDGET FOR CAPITAL REPLACEMENT PER CABLE FRANCHISE AGREEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 02-03 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Project Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
220-2510-01.6059	Other Capital Equipment	\$30,350

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

Account	<u>Description</u>	Amount
220-2510-01.8620	Donations	\$30,350
		(Signed) Yvonne J. Johnson

02-227 ORDINANCE AMENDING THE FY 02-03 STATE, FEDERAL AND OTHER GRANTS PROJECT BUDGET FOR POLICE HOSTAGE NEGOTIATION ACTIVITIES

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

Account	<u>Description</u>	<u>Amount</u>
220-3574-01.6051 220-3574-01.6059	Licensed Vehicles Other Capital Equipment	\$127,000 \$ 8,000
Total		\$135,000

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

Account	<u>Description</u>	<u>Amount</u>
220-3574-01.7104	Federal Forfeiture Funds	135,000
Total		\$135,000
		(Signed) Yvonne J. Johnson

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02-228 ORDINANCE AMENDING THE FY 02-03 TECHNICAL SERVICES FUND BUDGET FOR CREATION OF A CONSOLIDATED COMMUNICATIONS SECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 02-03 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Technical Services Fund be increased as follows:

Account	<u>Description</u>	Amount
681-2504-05.4110 681-2504-05.4510	Salaries & Wages FICA	\$45,000 <u>\$12,600</u>
Total		\$57,600

and, that this increase be financed by increasing the following Technical Services Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
681-2504-05.9101 681-2504-05.7803	Transfer from General Fund Rent - Other	\$28,800 \$28,800
Total		\$57,600

(Signed) Yvonne J. Johnson

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198-02 RESOLUTION CALLING A PUBLIC HEARING FOR DECEMBER 3, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED IN GRANDOVER ON CRESWELL COURT – 3.671 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 19th day of November, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED IN GRANDOVER ON CRESWELL COURT—3.671 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of October 31, 2002), said point being in the eastern line of Grandover Plat 11, East Golf Course Parcel 5, recorded in Plat Book 121, Page 31 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 40° 46' 52" E 27.04 feet to a point; thence S 35° 51' 16" E 32.20 feet to a point; thence S 30° 16' 19" E 20.15 feet to a point; thence S 41° 07' 02" E 45.23 feet to a point; thence S 35° 00' 32" E 44.26 feet to a point; thence S 45° 01' 04" E 17.61 feet to a point; thence S 63° 10' 57" E 50.00 feet to a point; thence S 26° 49' 03" E 9.85 feet to a point; thence along a curve to the right having a radius of 325.00 feet and an arc length of 27.60 feet, being subtended by a chord with a bearing of S 29° 15' 02" W for a distance of 27.59 feet to a point; thence S 53° 22' 32" E 211.03 feet to a point; thence S 80° 27' 10" W 204.43 feet to a point; thence S 4° 21' 01" W 186.74 feet to a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS N 61° 31' 20" W 171.85 feet to a point; thence N 68° 38' 00" W 50.00 feet to a point; thence along a curve to the right having a radius of 275.00 feet and an arc length of 81.13, being subtended by a chord with a bearing of S 29° 49' 08" W for a distance of 80.84 feet to a point; thence S 38° 16' 16" W 53.36 feet to a point; thence N 48° 54' 12" W 178.07 feet to a point; thence S 38° 25' 30" W 178.57 feet to a point; thence N 31° 54' 59" E 214.70 feet to a point; thence N 38° 24' 50" E 242.35 feet to a point; thence N 36° 32' 22" E 221.17 feet to a point; thence N 33° 44' 41" E 41.94 feet to the point and place of BEGINNING, and containing approximately 3.671 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

- Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.
- Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.
- Section 5. From and after February 28, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That December 3, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 23, 2002.

(Signed) Yvonne J. Johnson

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199-02 RESOLUTION CALLING A PUBLIC HEARING FOR DECEMBER 3, 2002 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE EAST SIDE OF MCKNIGHT MILL ROAD – 35.998

WHEREAS, the owners of all the hereinafter described property, which is non-contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 19th day of November, 2002, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF McKNIGHT MILL ROAD – 35,998 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southwest corner of Malphus L. and Ruby A. Barber, as recorded at Deed Book 4370, Page 2121 in the Office of the Register of Deeds of Guilford County; thence N 87° 55' 24" W 71.70 feet to an existing iron pipe in the north line of J. Donald and Audrey B. Smith; thence N 88° 10' 00" W 400.71 feet to an existing iron pipe in the north line of Anita C. Britt; thence N 88° 05' 31" W 642.69 feet along Britt's north line to Britt's northwest corner; thence S 06° 56' 04" W 100.15 feet along Britt's west line to an existing iron pipe; thence S 07° 24' 32" W 68.45 feet along Britt's west line to an existing iron pipe; thence S 08° 07' 30" W 54.57 feet along Britt's west line to an existing iron pipe; thence N 83° 53' 53" W 213.71 to the southeast corner of Charles Richard Panton; thence N 09° 55' 31 W 454.46 feet along Panton's east line to an existing iron pipe; thence N 20° 39' 08" W 295.82 feet along Panton's east line to an existing iron pipe; thence S 69° 09' 44" W 80.00 feet along Panton's east line to an existing iron pipe; thence N 69° 09' 44" E 80.00 feet along Panton's east line to an existing iron pipe; thence N 69° 09' 44" E 80.00 feet along Panton's east line to an existing iron pipe; thence N

20° 50' 76" W 190.00 feet along Panton's east line to an existing iron pipe in the southeast right-of-way line of McKnight Mill Road; thence N 68° 18' 03" E 37.15 feet along said right-of-way line to a point; thence N 65° 11' 47" E 103.06 feet along said right-of-way line to a point; thence N 47° 20' 47" E 108.52 feet along said right-of-way line to a point; thence N 44° 52' 52" E 28.52 feet along said right-of-way line to a point; thence along said right-of-way with a curve to the left having a radius of 770.00 feet, an arc length of 322.16 feet, and a chord bearing and distance of N 29° 35' 08" E 319.81 feet to a point; thence S 69° 58' 77" E 297.17 feet to a new iron pin; thence N 04° 34' 46" E 135.48 feet to an existing iron pipe; thence S 84° 57' 10" E 183.46 feet to an existing iron pipe; thence S 84° 57' 10" E 209.58 feet to a new iron pipe on Barber's west line; thence S 20° 26' 10" E 1,388.22 feet to the point and place of BEGINNING, and containing approximately 35.988 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after February 28, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 4/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after February 28, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That December 3, 2002 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 23, 2002.

(Signed) Yvonne J. Johnson

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02-229 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME PORTION NEW NAME

Penton Place That section of Penton Place Penton Ridge Court

connecting to Lake Brandt Road

(Signed) Yvonne J. Johnson

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200-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF SAM MARGULIES, IN CONNECTION WITH THE REEDY FORK CREEK SANITARY SEWER FORCE MAIN PROJECT

WHEREAS, Sam Margulies is the owner of certain property located on McLeansville Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Reedy Fork Creek Sanitary Sewer Force Main Project;

WHEREAS, negotiations with the owner at the appraised value of \$2,020.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$2,020.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,020.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 509-7058-01.6019 CBR 001.

(Signed) Yvonne J. Johnson

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201-02 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF TWIN OAKS PENTECOSTAL HOLINESS CHURCH FOR THE BURLINGTON ROAD WATER TANK PROJECT

WHEREAS, in connection with the Burlington Road Water Tank project, the property owned by Twin Oaks Pentecostal Holiness Church located at Tax Map No. 4-249-272-4 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$35,000.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$35,000.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 509-7029-01.6016 CBR 002.

(Signed) Yvonne J. Johnson

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202-02 RESOLUTION APPROVING THE SALE OF 1800-1812 GATEWOOD AVENUE AND 1300 MAYFAIR AVENUE (ROSEWOOD NEIGHBORHOOD) FROM THE REDEVELOPMENT

COMMISSION OF GREENSBORO TO SHARE OF NC, INC.

WHEREAS, the Redevelopment Commission of Greensboro currently owns nine lots in the Rosewood neighborhood located at 1800-1812 Gatewood Avenue and 1300 Mayfair Avenue;

WHEREAS, SHARE of NC, Inc. has proposed the development of houses on these lots;

WHEREAS, upon completion of these houses SHARE of NC, Inc. will convey the lots to low to moderate income purchasers subject to restrictions on use and with a requirement that they be owner occupied for a period of fifteen (15) years;

WHEREAS, the funding for the construction of the houses will come from SHARE's line of credit and proceeds from the sale of the lots will be reimbursed to the Community Development Block Grant program for the next budget year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of 1800-1812 Gatewood Avenue and 1300 Mayfair Avenue from the Redevelopment Commission of Greensboro to SHARE of NC, Inc. for house construction is hereby approved.

(Signed) Yvonne J. Johnson

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203-02 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF WILLIAM H. HUDSON, JR. AND CYNTHIA B. HUDSON FOR THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, in connection with the Hilltop Road widening project, the property owned by William L. Hudson, Jr. and Cynthia B. Hudson along Hilltop Road at Tax Map No. 11-684-C-867-83 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$18,119.95, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$18,119.95 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from account No. 431-6002-49.6012 CBR 083.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced an ordinance rezoning from RS-9 Residential Single Family to Conditional Use-General Office Moderate intensity for church addition and various church related uses for property located on the south side of Bothwell Street between Hannaford Road and Willow Road. He stated this matter had received five affirmative votes at the 15 October 2002 meeting, when the public hearing had been closed; and was on the agenda for 2nd reading.

The City Attorney explained that Mr. Martin had provided a memo stating that a barber shop, beauty shop and commercial restaurant were not be permitted under the limited conditional uses permissible in this district. Bill Ruska, Zoning Administrator for the Planning Department, advised that miscommunication had taken place between the applicants and the City. He stated that the conditions allowed were limited to those in the staff presentation.

Several Council members expressed concern that they had voted against this rezoning during the first reading based on their opposition to the commercial establishments. The City Attorney advised further that limitations on an accessory building would be permitted up to 25% of the main building. Council discussed the impact of this on multifamily group homes proposed by the applicant at the public hearing on October 15th.

Following additional discussion, Councilmember Vaughan moved that this item be re-advertised for a public hearing to be held on December 17, 2002. The motion was seconded by Councilmember Johnson, and unanimously adopted by voice vote of Council.

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Mayor Holliday introduced a resolution approving bid in the amount of \$400,000 and authorizing Contract No. 2002-61 with Summit Structures for the Coliseum Complex Pavilion. The City Manager advised that Council had already approved this project and that this contract was for the structure.

Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

204-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-61 WITH SUMMIT STRUCTURES FOR THE COLISEUM COMPLEX PAVILION PROJECT

WHEREAS, after due notice, bids have been received for the Greensboro Coliseum Complex – Pavilion project;

WHEREAS, Summit Structures, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$400,000.00 as general contractor for Contract No. 2002-61, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Summit Structures is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 435-7510-04.6013 CBR 001.

(A tabulation of bids for the contract for the Coliseum Complex Pavilion Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Donald R. Vaughan

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Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to City Council meetings (change August meeting date in 2003).

Councilmember Gatten moved to amend the ordinance as presented by changing the August 5 meeting to August 4 to observe National Night Out and to add the following additional amendments: cancel the July 1 meeting on the basis of past precedent set by Council; change the October 7 meeting to October 6 to observe election day; and change the November 4 meeting to November 3 to observe election day.

Council discussed various scheduling conflicts on October 6, October 8, November 3, and November 5. Councilmember Burroughs-White expressed disagreement with respect to the proposed changes. After it appeared that the majority of Council preferred to schedule the meetings for the days following the elections, Councilmember Gatten amended her motion to change the meetings scheduled for October 7 to October 8 and November 3 to November 5. The motion to amend the proposed schedule was seconded by Councilmember and adopted by voice vote of 8-1.

Councilmember Gatten moved adoption of the ordinance amending Chapter 2 as amended by the above motion. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: Burroughs-White.

02-230 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing one regular meeting date of the City Council in 2003 as follows:

"The August 5 meeting shall be held on August 4 in order to observe National Night Out."

"The July 1 meeting shall be cancelled."

"The October 7 meeting shall be held on October 8."

"The November 4 meeting shall be held on November 4".

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Florence F. Gatten

Councilmember Gatten moved adoption of the 2002 City Council Meeting Schedule, as amended and listed below. The motion was seconded by Councilmember Vaughan and was adopted 8-1 by voice vote of the Council. The date or time of the Council meetings and briefings may be changed if deemed necessary by the City Council.

2003 COUNCIL MEETING DATES: January 7, January 21, February 4, February 18, March 4, March 18, April 1, April 15, May 6, May 20, June 3, June 17, July 1 CANCELLED, July 15, August 4 (Monday-changed from August 5 in order to observe Police National Night Out), August 19, September 2, September 16, October 8-Wednesday-changed to observe primary election), October 21, November 5 (Wednesday-changed to observe election), November 18, December 2, December 16. Council Meetings are held at 6:00 p.m. in the Council Chambers in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC, unless otherwise noted.

2002 COUNCIL BRIEFING DATES: January 28, February 25, March 25, April 22, May 27, June 24, July 22, August 26, September 23, October 28, November 25, December briefing not held. Council briefings are held at 9:00 a.m. in the Plaza Level Conference Room in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC.

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Mayor Holliday introduced a resolution making certain findings relating to the authorization and issuance of refunding bonds of the City of Greensboro, North Carolina, and authorizing Finance Director to file application for approval thereof with Local Government Commission. The City Manager advised that by taking advantage of current interest rates, a 1.6 million dollar savings would be possible. The following resolution which was read by title and summarized by the City Attorney:

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF REFUNDING BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION

WHEREAS, the City Council of the City of Greensboro, North Carolina (the "City") is considering the authorization of not exceeding \$26,000,000 Refunding Bonds of the City (the "Bonds") for the purpose of refunding all or any portion of the City's Refunding Bonds, Series 1993 and Public Improvement Bonds, Series 1994A, in order to achieve debt service savings; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The City Council hereby finds and determines, in connection with authorizing the issuance of the Bonds, that (a) the issuance of the Bonds is necessary or expedient for the City, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purpose of such issue, (c) the City's debt management procedures and policies are good and are managed in strict compliance with law, (d) no increase in taxes will be necessary to service the Bonds and (e) under current economic conditions, the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby authorized to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the "LGC"), the action of the Finance Director in retaining Sidley Austin Brown & Wood LLP and Steve Allen, Esq. as Co-Bond Counsel and Banc of America Securities LLC as financial advisor, is hereby ratified and confirmed, and the LGC is hereby requested to approve such financing team.

Section 3. This resolution shall take effect immediately upon its passage. The City Attorney then announced that she had approved as to form the foregoing resolution.

Thereupon, upon motion of Councilmember Vaughan, seconded by Councilmember Carmany, the foregoing resolution entitled:

"RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF REFUNDING BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION"

was passed by roll call vote as follows:

Ayes: Council members Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

Thereupon Mayor Holliday announced that said resolution has passed by a vote of 9 to 0.

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The Mayor introduced a resolution approving bid in the amount of \$228,477.50 and authorizing Contract No. 2002-34 with Ramey, Inc. for waterline improvements. Following brief discussion, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson,

Perkins, Phillips and Vaughan. Noes: None.

205-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-34 WITH RAMEY, INC. FOR WATERLINE IMPROVEMENTS

WHEREAS, after due notice, bids have been received for waterline improvements throughout the City;

WHEREAS, Ramey, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$228,477.50 as general contractor for Contract No. 2002-34, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Ramey, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 503-7012-01.6016.

(Signed) Florence F. Gatten

(A tabulation of bids for waterline improvements is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Adrian Helfand, residing at 5020 East Turnbridge Circle, spoke to difficulties she had encountered due to the change in SCAT bus service since her recent move to Turnbridge Apartments. Councilmember Gatten advised that half of the Turnbridge Apartment residents were within the City limits and half were within the Brown Summit limits. Elizabeth James, Administrator of the Greensboro Transit Authority (GTA), advised that Ms. Helfland was a Brown Summit resident. Following brief discussion, GTA staff stated they would assist Ms. Helfland in finding an appropriate avenue to resolve her concerns.

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Mayor Holliday advised Council that after reviewing the video tape of the previous Council meeting, he felt it was necessary to voice his disagreement with a report made by a local media source concerning the perception of treatment of a citizen at the end of that City Council meeting.

The Mayor spoke to correspondence he recently received from the News and Record requesting Council to provide the News and Record access to all of their emails and correspondence at a central location in the City Council Office.

Councilmember Gatten read a statement into the record in which she presented her views on the request and her opinion that as a result of the request, the potential negative impact on limiting communication between citizens and local elected officials was great. She requested that the City Manager direct staff to place a notice of warning on the Council's email web site to alert citizens to the fact that their email was public record and would be viewed by news media.

Councilmember Johnson expressed concern that some issues she received emails about were life and death matters. She advised that those who reported crimes could find their lives in jeopardy if their information was not kept in confidence.

Councilmember Johnson stated that the City had an opportunity to partner with Pyramid Village in East Greensboro. She asked the City Manager to explore this option to provide a recommendation to Council.

After advising that the Cultural Arts Center Task Force meetings were going well, Councilmember Johnson stated that a recommendation would be forthcoming in the near future.